

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 19385 of 2004(G)

PETITIONERS:

1. C.KUMARAN, S/O. KUGAN,
CHAPPADIYIL, THADIKKADAVU P.O.,CHAPPARAPADAVU VIA.
KANNUR DIST., CONSUMER NO.10576.
2. JOHN, S/O. MATHEW,
CHERIYAVADAKKEDATH, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10562.
3. KHADEEJA, W/O. ABDULLA,
MALIKENTAKATH, THADIKKADAVU P.O.,
CHAPPARAPPADAVU, KANNUR DIST.,CONSUMER NO.10550.
4. AUGUSTINE, S/O. FRANCIS,
KANJARAKATTUKUNNEL, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10549.
5. RAMAN NAIR, S/O. KRISHNAN NAIR,
CHATHANATTU, THADIKKADAVU P.O.,CHAPPARAPPADAVU VIA
KANNUR DIST., CONSUMER NO.10553 - HOUSE,
CONSUMER NO.10533 - SHOP.
6. KRISHNAN, S/O. KRISHNAN,
PUTHIYAPURAYIL, THADIKKADAVU P.O.,
CHAPPARAPADAVU, KANNUR DIST.,CONSUMER NO.10646.
7. AJITHKUMAR C.S, S/O. SIVARAMAN NAIR,
CHEMPAKATHIL, THADIKADAVU P.O.,CHAPPARAPPADAVU VIA,
KANNUR DIST., CONSUMER NO.10634.
8. CHANDRASEKHARAN PILLAI,
S/O. PACHUPILLAI, CHANDRAMANGALAM,
THADIKKADAVU P.O., CHAPPARAPPADAVU VIA.,
KANNUR DIST., CONSUMER NO.10556.

W.P.(C). NO.19385/2004:

9. STEPHEN, S/O. DOMINIC,
THAZHATHUVEETIL, THADIKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10534.
10. K.J.THOMAS, S/O. JOSEPH,
KOCHUKUNNEL, THADIKKADAVU P.O.,CHAPPARAPPADAVU,
KANNUR DIST., CONSUMER NO.10575.
11. THOMAS P., S/O. ISSAC,
PORANGANAL, THADIKKADAVU P.O., CHAPPARAPPADAVU,
KANNUR DIST., CONSUMER NO.10641.
12. SURESHKUMR A.S., S/O. SREEEDHARAN NAIR,
AMBAZHATHINGAL KULATHUR, THADIKADAVU P.O.,
CHAPPARAPPADAVU, KANNUR DIST.,CONSUMER NO.10573.
13. M.CKURIYACHAN, S/O. CHERIYAN,
MANGALATH, THADIKKADAVU P.O., CHAPPARAPPADAVU VIA.
KANNUR DIST., CONSUMER NO.10535.
14. GOPALAKRISHNAN NAIR,
SECRETARY, VRINTHAVANAM SREEKRISHNA TEMPLE,
THADIKADAVU P.O., CHAPPARAPPADAVU VIA.,
KANNUR DIST., CONSUMER NO.10650.
15. NARAYANAN NAIR, S/O. GOPALAN NAIR,
THEKKEPUTHUPARAMBIL, THADIKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10643.
16. SUNNY JOSEPH, S/O. JOSEPH,
MATHANKUNNIL, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10724.
17. JOSEPH K.A., S/O. ABRAHAM,
KUNNAPPALLIL, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.
CONSUMER NO.10642.
18. RUGMANI P.P., W/O. BHASKARAN,
PUTHIYAPURAYIL, THADIKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.
CONSUMER NO.10636.
19. ROSAMMA, W/O. FRANCIS,
KAKKIYANIYIL, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.,
CONSUMER NO.10546.

W.P.(C). NO.19385/004:

- 20. T.S.JAMES, S/O. T.C.SEBASTIAN,
MARATHANIKATTU, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.
CONSUMER NO.10768.**
- 21. MATHEW, S/O. KURIAN,
THOTTAKARA, THADIKKADAVU P.O.,
CHAPPARAPPADAVU VIA., KANNUR DIST.
CONSUMER NO.10657.**

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, KERALA STATE ELECTRICITY
BOARD, VYDYUDHI BHAVAN, THIRUVANANTHAPURAM.**
- 2. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,ELECTRICAL DIVISION,
PAYYANNUR, KANNUR DIST.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL MAJOR SECTION, SREEKANDAPURAM,
P.O. SREEKANDAPURAM, KANNUR DISTRICT.**
- 4. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,ELECTRICAL SECTION,
ALAKKODE, P.O. ALAKKODE, KANNUR DIST.**

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.19385/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SPECIMEN OF THE MINIMUM GUARANTEE AGREEMENT IN FORM NO. 8 OF CONDITIONS OF SUPPLY OF ELECTRICAL ENERGY PREPARED BY THE KSE BOARD.

EXT.P.2: COPIES OF THE BILLS ISSUED BY THE KSE BOARD TO THE PETITIONERS.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE AGREEMENT NO. 96-97 DTD. 30/12/96.

EXT.R4.B: COPY OF THE NEW ESTIMATE AND MINIMUM GUARANTEE AGREEMENT.

//TRUE COPY//

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.19385 OF 2004

Dated this the 17th day of July, 2007

JUDGMENT

The issues raised in this writ petition relate to the amounts payable by the petitioners under a minimum guarantee agreement with the Electricity Board. On the strength of the minimum guarantee agreement dated 30.12.1996, the respondents are attempting to reach at the amounts stated to have been spent some time in 2003. Whatever that be, it is unnecessary for this Court to go into the merits of the case because, as of now, the parties are governed by the judgment of the Sub Court, Payyannur in A.S.No.86/94 and connected cases, which has been confirmed by this Court dismissing S.A.No.638/95. Accordingly, this writ petition is disposed of directing that the aforesaid judgment will govern all the petitioners and the respondents in this case and the respondents will work out the dues of the petitioners in accordance with that. It is further ordered that owing to the pendency of this writ petition and the aforesaid civil court proceedings, no interest

shall be charged on any amount that is outstanding till today on account of the minimum guarantee agreement in question.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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